



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

September 28, 2010

Dan Bott
Orange County Water District
18700 Ward Street
Fountain Valley, CA 92708

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR SANTIAGO BASINS FLOATING PUMP STATION PROJECT, CITY OF ORANGE, COUNTY OF ORANGE, CALIFORNIA (OUR FILE NO. 302010- 29)

Dear Mr. Bott:

On August 2, 2010, Regional Board staff received an application for a Clean Water Act Section 401 Water Quality Standards Certification (401 Certification) for the above referenced project. Included with the application were the following:

- Documentation showing that an application for a California Department of Fish and Game (CDFG) Lake or Streambed Alteration Agreement for the project has been submitted;
- A copy of a California Environmental Quality Act (CEQA) Notice of Exemption for this project that had been posted and filed by the Clerk-Recorder for the County. In the notice, the applicant asserts the project is categorically exempt from the requirements of CEQA under CEQA Guidelines Section 15303 "Class 3" for new construction of small facilities and Section 15304 "Class 4" for minor alterations to land.
- Notification that the proposed project qualifies for coverage under the Department of Army Section 404 Nationwide Permit 12 and that the project meets the criteria in which no pre-construction notification is required.
- \$737.92 as a part of the fee required for processing the 401 Certification application, as specified by California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200 (a) (3).

On September 20, 2010, we received \$542.08, the remainder of the fee required to complete the 401 Certification application.

This letter responds to your request for certification, pursuant to Clean Water Act Section 401, that the proposed project, described below, will comply with State water

California Environmental Protection Agency



quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin 1995 (Basin Plan), and subsequent amendments:

1. Project description:

The proposed project involves the construction and operation of a floating pump station that would allow for the transfer of stored water from OCWD's Santiago Basins to other OCWD facilities (i.e., Burris Basin) or to Santiago Creek. The Santiago Basins are comprised of three basins; Bond, Blue Diamond, and Smith. The project will be constructed in Bond Basin. The project will help increase groundwater recharge for OCWD and will allow the maximization of storage capacity in the Basins during storm events. The floating pump station will replace an existing submersible pump station that has been found to be unreliable.

The proposed pump station will be constructed lie on a floating platform, connected to a 1,400 foot long, 32-inch floating discharge pipeline that would be mostly submersed and slightly below the water surface. The discharge pipeline will connect to the existing pipeline that conveys flows out of the Basins. Impacts to jurisdictional area will occur in an area of 1,300 square ft. (100 linear ft.), on the Bond Basin slope, which will be excavated to connect the floating pipeline to the existing pipeline. Impacts to riparian vegetation will occur where vegetation is cleared to create a lay down area for the floating pipeline during periods when the basins are dewatered. A cleared lay down area allows the floating pipeline to be inspected and maintained. Approximately 250 square ft. of willow shrub vegetation will be removed to create the lay down area.

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| 2. Location: | 33-48-09 north, 117-48-44 west,
Township 4S, Range 9W,
Orange, CA, USGS Quadrangle |
| 3. Receiving water: | Santiago Creek and Burris Basin |
| 4. Fill Area: | 0.02 acre of temporary impacts, 100 linear ft. |
| 5. Dredge volume: | NA |
| 6. Federal permit: | NW #12, Utility Line Activities |
| 7. Mitigation: | The excavated area will be restored to the original contour of the area. To compensate for the loss of 250 square ft. of riparian vegetation, OCWD will mitigate before completion of the project with the creation of 250 square ft. of riparian habitat (planting/maintenance of 25 black willow trees). |

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those



impacts are mitigated to an acceptable level.

Construction de-watering discharges may be regulated under Regional Board Order No. R8-2009-0003, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2009-0003, NPDES No. CAG 998001, at the Regional Board's website: www.waterboards.ca.gov/santaana/.

Pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines, the OCWD has filed a CEQA Guidelines section 15303 "Class 3" and section 15304 "Class 3" Categorical Exemption and declares that the project consists of new construction of small structures and minor alterations to the land. The Regional Board has independently reviewed the project and concludes that it is categorically exempt pursuant to CEQA Guidelines sections 15303 and 15304.

This 401 Certification is contingent upon the execution of the following conditions:

1. All mitigation shall be timely completed.
2. The project proponent shall utilize Best Management Practices during project construction to minimize the controllable discharges of sediment and other wastes to drainage systems or other waters of the state and of the United States.
3. Substances resulting from project-related activities that could be harmful to aquatic life, including, but not limited to, petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, portland cement concrete or asphalt concrete, and washings and cuttings thereof, shall not be discharged to soils or waters of the state. All waste concrete shall be removed.
4. Motorized equipment shall not be maintained or parked within or near any stream crossing, channel or lake margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions. Vehicles shall not be driven or equipment operated in waters of the state on-site, except as necessary to complete the proposed project. No equipment shall be operated in areas of flowing water.
5. This Water Quality Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any of the conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in appropriate enforcement action, including imposition of administrative civil liability, the revocation of this Certification, and civil or criminal liability.



6. The discharger must comply with all conditions and provisions of Department of Army Section 404 Nationwide Permit 12.
7. The discharger must comply with all conditions and provisions of the California Department of Fish and Game Lake or Streambed Alteration Agreement developed for the project.

Under California Water Code, Section 1058, and Pursuant to 23 CCR 3860, the following shall be included as conditions of all water quality standards certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855 (b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 2003-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf.

This letter constitutes a conditional water quality standards certification. Although we anticipate no further regulatory involvement, if the above conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements for the project.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401 (d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.



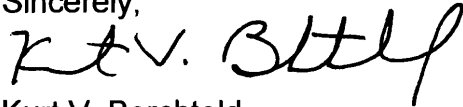
In response to a suspected violation of any condition of this certification, the SARWQCB may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SARWQCB deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the SARWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.

Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. This letter constitutes a technically conditioned water quality certification. Please notify our office five (5) days before construction begins on this project.

If you have any questions, please call David G. Woelfel at (951) 782-7960, or Mark Adelson at (951) 782-3234.

Sincerely,



Kurt V. Berchtold
Executive Officer

cc: U.S. Army Corps of Engineers – Los Angeles Regional Office
U.S. Environmental Protection Agency, Supervisor of the Wetlands Regulatory
Office – Tim Vendlinski (WTR-8)
State Water Resources Control Board, DWQ - Water Quality Certification Unit
State Water Resources Control Board, OCC – David Rice
California Department of Fish and Game – Russel Barabe

